

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Melinda Gail Nelson
o/b/o M.K.N.B.,

Plaintiff,

v.

Civil No. 10-4001 (JNE/TNL)
ORDER

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

In a Report and Recommendation dated August 31, 2011, the Honorable Tony N. Leung, United States Magistrate Judge, recommended denying Plaintiff's Motion for Summary Judgment; granting Defendant's Motion for Remand; and remanding the case pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings. Defendant responded and Plaintiff objected to Defendant's Response. However, neither party objected to adoption of the Report and Recommendation itself. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 23].

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Plaintiff's Motion for Summary Judgment [Docket No. 11] is DENIED.
2. Defendant's Motion for Remand [Docket No. 20] is GRANTED.
3. The case be remanded pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 21, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge